

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 3433 – SB 3498

June 2, 2010

SUMMARY OF AMENDMENTS (014071, 015973, 019276): Deletes all language after the enacting clause. Declares it the public policy of the state that every person has the right to decline or choose any mode of securing health care services without penalty or threat of penalty by the federal government and prohibits any public official, employee, or agent of the state or any of its political subdivisions from imposing, collecting, or effectuating any penalty for an individual practicing this right. Requires the Attorney General to seek an injunction and defend this policy in the event that any law or regulation violating this right is enacted by any government, subdivision, or agency. Amendment 019276 prohibits the provisions of the bill from altering, in any way, the requirements for health coverage of children in child support cases.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

MINIMAL

Other Fiscal Impact – If the Attorney General were to file suit, costs would be incurred for filing fees, depositions, travel and court appearances, and other out-of-pocket expenses. These costs cannot reasonably be quantified due to the uncertainty of litigation, but are estimated to range from \$5,000 to \$50,000.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original corrected fiscal note.

Assumptions applied to amendments:

- In Attorney General Opinion No. 10-43, the Attorney General stated that he could not act as counsel for the State in this litigation. Since the bill directs only the Attorney General to file suit, there will be no cost of litigation because suit will not be filed and there would be no cost to the State.
- If the Attorney General were to file suit, this litigation can be handled with existing staff of the Attorney General as part of the Attorney General's responsibility to protect the state's legal interests. Out-of-pocket costs would be incurred for expenses related to the litigation, including filing fees, depositions, travel and court appearances.

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- The impact on state expenditures of not litigating the constitutionality of such law cannot reasonably be determined due to a number of unknown factors.
- Amendment 019276 will not change the current Child Support Program requirements and will not have any impact on the current practices of the Department of Human Services or state and federal funds.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/kml